

In Congress, December 19, 1777

IN CONGRESS, December 19, 1777.

WHEREAS Sir William Howe, Commander in Chief of his Britannic Majesty's forces, has required, that provisions should be sent in for the subsistence of the American prisoners in his possession, and for the purchase of such necessities, as they may stand in need of, and has prohibited the circulation of the money struck by the authority of these States, within such parts of the country, as are, at present, subjected to his power, whereby great difficulties have occurred in relieving the distresses of the American prisoners: And whereas large sums of Continental Bills of Credit have been counterfeited and issued by the Agents, Emissaries and Abettors of Sir William Howe.

Resolved, That the accounts of all provisions and other necessities, which already have been, or which hereafter may be supplied by the public to prisoners in the power of these States, shall be discharged, either by receiving, from the British Commissary of prisoners or any of his Agents, provisions or other necessities equal in quality and kind to what have been supplied, or the amount thereof, in gold and silver at the rate of four shillings and sixpence sterling for every dollar of the currency of these States; and that all these accounts be liquidated and discharged, previous to the release of any prisoners, to whom provisions or other necessities shall have been supplied.

IN CONGRESS, January 21, 1778.

THE Board of War reported, that, having conferred with Mr. Elias Boudinot Commissary of prisoners on the 21st of December and carefully examined the evidences produced by him, they esteem it their duty to state to Congress the following facts relating to the American prisoners, in the power of the enemy.

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That as far as can be collected from the testimony of prisoners and inhabitants, who have left the enemy, there are about nine hundred privates and three hundred officers in the city of New-York, and about five hundred privates and fifty officers, in the city of Philadelphia.

That the privates in New-York have been crowded all summer in sugar-houses, and the officers boarded on Long-Island, except about thirty, who have been confined in the provost-guard and in the most loathsome goals.

That, since the beginning of October, all these prisoners, both officers and privates, have been confined in prison-ships or the provost.

That the privates in the city of Philadelphia have been kept in the two public goals and the officers in the Statehouse.

That from the best evidence, which the nature of the subject will admit of, it appears, that the general allowance of provisions, at the most, does not exceed four ounces of meat and the same quantity of bread (oftimes so damaged as not to be eatable) per man per day, and often much less, although the professed allowance is from eight to ten ounces; and that the prisoners have been treated in general (officers not excepted) with a cruelty scarce to be paralleled, and with the most studied and illiberal insult.

That it has been a common practice with the enemy, on a prisoner being first captured, to keep him three, four and even five days without a morsel of provisions of any kind, and then to tempt him to enlist with the new levies in order to save his life.

That there are numerous instances of prisoners of war perishing in all the agonies of hunger, from their severe treatment.

That being generally stripped of what cloaths they have when taken, they have suffered greatly for want thereof during their confinement.

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That, in the beginning of last summer, bills of exchange to the amount of £ 600 Sterling, purchased of David Franks, British Commissary of prisoners, residing within the jurisdiction of these States, were sent into New-York for the relief of the prisoners; that every obstacle was thrown in the way to prevent the negociation of these bills, and after a delay of two months, they were returned to Mr. Boudinot, the American Commissary of prisoners.

That the American Commissary of prisoners had permission to send in provisions from Hudson's and Rariton rivers into New-York, and to purchase cloathing there for about two months past; but on this condition, that the sloop carrying the provisions stop at the man of war stationed in the mouth of Hudson's river, where the hands are taken on board of the ships, and the Agent for American prisoners in New-York is obliged to send hands from thence to take the sloop over to the city, and return her again to the man of war; which not only renders it very tedious and expensive, but prevents getting sloops for the purpose, as very few owners choose to trust their vessels in the enemy's hands, and to remain prisoners on board of the man of war till the sloop returns.

That provisions, which have been sent into the city of New-York for the subsistence of the American prisoners, have been prevented by a public ordinance from being sold at a higher rate than forty-five shillings per cwt. for flour, although the current price of that article was six pounds per cwt. and it actually sold current at that price between individuals, while the flour belonging to these States was sold at the ordinance price.

That the American officers in the power of the enemy, have not had any allowance made to them for their subsistence, although the British officers, in the power of these States, have been allowed, by a resolution of Congress, two dollars a week for their subsistence.

That in consequence of repeated remonstrances from General Washington to General Howe concerning the injurious treatment of prisoners in his power, General Howe in his letter to General Washington in November last promised "That a Commissary should be

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permitted to carry in a supply of cloathing, money and other necessities for the prisoners in Philadelphia, and to visit the places where they were confined.”

That on a conference, which passed between Mr. Ferguson the British Commissary of prisoners, and Mr Boudinot the Commissary of prisoners for these States, who was ordered by General Washington to visit the prisoners agreeable to General Howe's promise, Mr. Ferguson said, that he was desired by General Howe to let Mr. Boudinot know “that there could be no necessity for his coming into the city as *he* would see that the prisoners were properly dealt by” and Mr. Boudinot was not suffered to go in.

That on this conference, Mr. Ferguson the British Commissary of prisoners complaining of the inattention paid to the supplying of prisoners in their hands with cloaths, said “that there was plenty of cloathing in Philadelphia, which we were at liberty to purchase for provisions, and to appoint Agents for that purpose” that on Mr. Boudinot's expressing his doubt on this point, Mr. Ferguson shewed great surprise at his unbelief, and assured him repeatedly that full liberty to purchase cloathing would be granted.

That Mr. Ferguson, in his letter of the 2d of December, says “that permission will be given to *send* in cloathing to our prisoners, but that General Howe does not think fit to allow it to be purchased in Philadelphia.”

Congress taking into consideration the foregoing facts, and considering that during the whole time, in which the American prisoners have suffered such unparalleled rigour and insult, and every obstacle has been thrown in the way to obstruct their relief, the prisoners taken from the enemy have been plentifully supplied with provisions either at the expence of these States, or by Commissaries in the service of the enemy permitted to reside and purchase without controul, within the jurisdiction of these States; that their officers have been admitted on their parole in good quarters and a weekly allowance made them; that few, even of their privates, have been for any time confined in goal, but, on the contrary,

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that they have been permitted to work abroad and to receive the full price of their labour, thereupon

Resolved, That the allowances of two dollars a week to officers, who are prisoners of war to these United States, do cease, unless to those officers, who may be intitled thereto by any contract made on or before their captivity or surrender.

That neither David Franks, nor any other Agent or person whatsoever, be permitted to negotiate bills within these United States, for the supply of prisoners taken from the enemy, or to purchase provisions or other necessaries for such purpose within the jurisdiction of these States, except in the manner hereinafter provided.

That every British Commissary, or any other persons or Agents, employed to supply prisoners taken from the enemy with provisions, shall make returns of the prisoners under his or their respective care to the purchasing Commissary of the district, wherein such prisoners are confined, who shall deliver a sufficient number of rations for their weekly or monthly subsistence, as circumstances shall render necessary, taking duplicate promissory receipts for the same, payable in thirty days after date, one of which receipts shall be forthwith transmitted to the Commissary General of Purchases, or to the Deputy Commissary General of the departments in which the provisions are supplied.

That the provisions so received shall be paid for in the manner prescribed by the resolution of Congress of the 19th of December last; and in case the same shall be accounted for in gold and silver, the Commissary General or Deputy Commissary of Purchases receiving the same shall remit it without delay to the Board of Treasury; in order that the same may be applied as a fund for relieving the distresses of the prisoners in the power of the enemy.

That in case failure shall be made by any person signing such receipt, in discharging the amount when it shall become due, no further provisions shall be issued for the maintenance of the prisoners under the care of the person or persons so failing.

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That in return for the permission hereby given to purchase provisions of American Commissaries for the use of the enemy's prisoners, General Washington be directed to demand of General Howe liberty to purchase cloathing in such places, as may be under his power, for the use of the American prisoners---The cloathing so furnished to be paid for in gold or silver or in provision to be sent in and sold at the market price---And that in case General Howe should choose to order provisions, and other necessaries to be sent out for the supply of the prisoners in our power, instead of the mode proposed by the former resolutions, he be permitted to send what supplies may, from time to time, be necessary, to such posts as the American Commissary of prisoners shall direct, which provision, when sent out, shall be issued to the prisoners by persons appointed by General Howe for that purpose; provided that permits be granted by General Howe for transporting provisions, either by land or water, as shall be most convenient, from the States of New-York, New-Jersey, Pennsylvania, Maryland and Virginia, for the use of the American prisoners in the cities of New-York and Philadelphia, and in the town of Newport in Rhode-Island, and the provisions so sent in be issued out by Commissaries or by other persons appointed for such purpose by these States, who shall be permitted to reside at the places, where the prisoners are confined.

That in return for the permission, given by the resolution of Congress of the 21st May 1776, for a commissioned officer from the British army to visit monthly the prisoners in the power of these States, "in order to count their numbers and certify their rolls," General Washington be directed to demand preremptorily of General Howe a like permission, or to agree upon any other equal mode for ascertaining the situation of the American prisoners, which shall be deemed most expedient. And in case of General Howe's refusal to give satisfaction on this point, that General Washington regulate his future conduct, by the conduct of General Howe.

That General Washington be directed to require of General Howe the reasons, why several officers in the service of these States and other citizens now in his power have

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been so long confined, either in the provost guard or loathsome goals, and treated with such unparalleled rigor; and if General Howe shall refuse to make any answer to his requisition, within the space of five days, or give such reasons for the treatment of these unfortunate persons, as shall not be justifiable by the laws of nations, General Washington be directed immediately to order a number of the enemy's officers, as nearly equal in rank and condition of life as possible, to the persons so confined without just cause, forthwith to be imprisoned, subsisted and treated in the same manner, as the persons above alluded to are imprisoned, subsisted and treated. And that he be informed that it is the expectation and express order of Congress, that this mode of treatment in general be continued, changed or suspended, as the conduct of the enemy, with respect to the American prisoners, shall from time to time render just and necessary, without waiting for any special order from Congress for such purpose.

That the Commissary General of prisoners and his respective Deputies be forthwith directed to call in all the officers and privates belonging to the enemy, and to confine them in such places, and order them to be subsisted and treated in such manner, as shall render their situation similar, in all respects; to that of the officers and privates, who are prisoners with the enemy: and that they continue this mode of treatment, till such time as a change of conduct, on the part of the enemy, shall induce Congress, or the Commander in Chief of the armies of these States, to give directions for a different line of conduct, on their part.

That it be recommended to the government of the respective States, where prisoners of war are confined, to give every assistance in their power to the Commissary General of prisoners or his Deputies, by putting them in possession of goals, or other proper buildings and by furnishing them with guards, in order to enable them to execute the foregoing resolution.

And whereas General Howe, by his letter to General Washington in November last, affects to make a distinction in the treatment of persons taken in arms, and of the faithful citizens

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of these States subjected to his power, in a manner not only contrary to reason and the principles of humanity, but inconsistent with the sentiments expressed by General Howe himself in his letter to General Washington, dated Staten-Island, August 1, 1776.

Resolved, That General Washington be directed to require of General Howe an explanation of those parts of his letter of November 1777, which imply this distinction, and the line of conduct which he means to observe for the future with respect to such of the faithful citizens of these States, as may be subjected to his power.

Extract from the minutes, **CHARLES THOMSON**, *Secretary*.